



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, MARCH 14, 2011

Town Administrator

Anthony J. Carson, Jr.

COUNCIL CHAMBERS – BERLIN TOWN HALL

10 WILLIAM STREET

BERLIN, MD 21811

EXECUTIVE SESSION6:00 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144

TTY users dial 7-1-1 in the State of Maryland

TTY users outside Maryland dial 1-800-735-2258

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, March 14, 2011**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

1. Approval of the Minutes for:
 Executive Session of the Mayor and Council on February 28, 2011
 Statement of Closure of Mayor and Council on February 28, 2011
 Regular Session of the Mayor and Council on February 28, 2011
2. Request for Special Event – Berlin Chamber of Commerce
 Jazz & Blues Bash – May 7, 2011 12 noon to 8 PM
3. Request for Special Event – Berlin Chamber of Commerce
 Spring Celebration – May 21, 2011 10 a.m. to 2:00 p.m.
4. Request for Special Event – Berlin Chamber of Commerce
 Village Fair – June 11, 2011 9 a.m. to 4:00 p.m.
5. Request for Special One Day Permit – Berlin Fire Company
 Bahamas in Berlin – April 2, 2011 7 P.M. to 1 A.M.
6. Allocation Agreements – Derrickson Enterprises, LLC
7. Introduction of Ordinance 2011-01
 An ordinance repealing Chapter 25, titled Utility Commission, in its entirety. Public
 hearing to be held on March 28, 2011.
8. Program Open Space FY12 Annual Request – Mary Bohlen
9. Departmental Reports
 - a. Finance
 - b. Deputy Town Administrator
 - c. Public Works
 - d. Water Resources
 - e. Electric
 - f. Police
 - g. Planning and Zoning
 - h. Human Resources
 - i. Economic and Community Development

10. Town Administrator's Report
11. Comments from the Mayor
12. Comments from the Council
13. Comments from the Public
14. Comments from the Press
15. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, February 28, 2011

The meeting of the Mayor and Council for Monday, February 28, 2011 was called to order by Mayor Williams at approximately 7:06 p.m. Council Members Lynch, Purnell, Hall, Brittingham and Burrell were present, as well as Town Administrator Tony Carson, Finance Director Lynn Musgrave, Water Resources Director Jane Kreiter, Town Attorney David Gaskill, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, Planning and Zoning Director Chuck Ward, Administrative Assistant Sharon Timmons, Public Works Director Mike Gibbons, Deputy Town Administrator Mary Bohlen and Human Resources Director Jeff Fleetwood. Economic and Community Development Director Michael Day was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Regular Session Minutes of February 14, 2011. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0.

Mr. Michael Franklin, President of Atlantic General Hospital came before the Mayor and Council to explain the hospital's strategic plan for the next 5 years. Mr. Franklin stated that AGH would be focusing on the principles and environment in which care was delivered. He continued in explaining some of the initiatives regarding the facilities would be to establish a Cancer Care Center, relocation of the ICU in anticipation of increased patient bed requirements, establishing an observation unit to reduce medical/surgical short-stay admissions, relocation of the administrative offices and expansion of the cafeteria facilities.

Lisa Challenger, Director of Worcester County Tourism came before the council and introduced Mr. Dan Turrell of Maryland Life Magazine. Mr. Turrell spoke of the results of a survey by Maryland Life which awarded Berlin as the best or favorite in: Coffee House, Desserts, Ghost Tours, Artist Patrick Henry, Shopping District, Historic Downtown, Concert Venue and Gift Shops. Mr. Turrell presented the Mayor with certificates for the finest Shopping District, Ghost Tours and Historic Downtown.

Town Administrator Tony Carson made the request for 1 additional EDU for 500 Franklin Ave Associates LLC due to the relocation of a new business. Mr. Carson stated that the request had been reviewed and approved by the BUC at their February meeting. Councilmember Burrell made a motion to approve the request for an additional EDU and council voted unanimously to approve 5-0. Discussion continued regarding Item 7 on the Allocation Agreements. It was agreed to remove "one (1) from #7 of the allocation agreements and to revise the template accordingly.

Mayor Williams explained the Approval of Easement and Allocation Agreement for the property located at 104 Pitts Street. There is a piece of property owned by Mr. Tony Wiles which is contingent to the municipal parking lot and has been used by the Town for parking for many years. The Town will purchase the easement for \$28,000 and this will allow the Town to use the property as it intends. Councilmember Brittingham made a motion to approve the purchase of the easement and council voted unanimously to approve 5-0. Mayor Williams explained the Allocation Agreement for the property located at 104 Pitts Street would be revised to allow for 2 EDU's. Councilmember Brittingham made a motion to approve 2 EDU's for 104 Pitts Street and council voted unanimously to approve 5-0.

Mayor Williams explained the proposed agreement with Worcester Youth and Family Counseling to fill the need of the Youth Coordinator position. Councilmember Burrell suggested that the agreement be

revised to include the language “number of participants from the Town of Berlin, the ages and percentages of those participating from low to moderate income families” in regards to the bi-monthly reports which will be presented to the Mayor and Council. Councilmember Burrell made a motion to approve the agreement with Worcester Youth and Family Services with the revisions and council voted unanimously to approve 5-0.

Town Administrator Tony Carson explained the request by URS Corporation for an amendment to increase the engineering services agreement for the new spray site project by \$27,974.00. Mr. Carson explained that USDA had suggested splitting the project into two phases to enhance funding opportunities. The Town had requested that URS assist with the USDA, CDBG and MDE funding for this round thus incorporating the additional costs. Councilmember Brittingham made a motion to approve the amendment of \$27,974.00 to the engineering agreement and council voted unanimously to approve 5-0.

Steve Farr and Darl Kolar made a presentation to the Mayor and Council and requested support from the Town in regards to a grant application and assistance with funding and in-kind support for a demonstration stormwater management system to be implemented at the Bottle Branch and West Street ditch location. Town Administrator Tony Carson and homeowner Randy Walter spoke regarding the erosion issues and water quality issues facing both sides of the residential properties. Mr. Farr also spoke about a rain garden to be installed on the property between the Jehovah Witness Church and the ditch. Lengthy discussion followed. Councilmember Lynch suggested that the Town approve a not to exceed amount of \$20,000.00, but inquired where the funds would be coming from. Mr. Carson stated that there were unused monies from the Street Reconstruction project which could be utilized. Councilmember Lynch made a motion to approve a not to exceed amount of \$20,000 and in kind services of \$16,000 for the demonstration stormwater management system at Bottle Branch and West Street location. Council voted unanimously to approve 5-0.

Departmental reports began with Water Resources Director Jane Kreiter reporting on the upcoming bids for the Transfer Piping project and the Spray Site addition project.

Electric Utility Director Tim Lawrence reported on the status of the relocation of utility poles on Flower Street. He continued on the repair of the Fairbanks motor and the relay at the substation. Councilmember Burrell thanked Mr. Lawrence for the minimal impact from the outage during the first phase of pole relocation on Flower Street.

Police Chief Arnold Downing reported that the intersection at William and Bay Streets had been re-opened for traffic, the façade work at Donoways on South Main Street was beginning and would take between 1 week to 10 days.

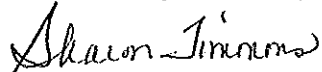
Planning and Zoning Director Chuck Ward reported that there would be no BZA or HDC meetings for the month of March, but the Planning & Zoning meeting would be held on March 9th.

Human Resources Director Jeff Fleetwood reported that supervisors and department heads would be attending probable cause and suspicion and harassment training from LGIT on March 8th.

Town Administrator Tony Carson stated that the purchase orders which had been submitted over the last two months by Mr. Lawrence were part of Booth & Associates recommendations and that all purchase orders should be submitted by the end of June. He asked for approval of 9 purchase orders (201101063, 20111044, 201101119, 201101128, 20110938, 201101160, 201101194, 201101198 and 201101201). This report will be included as part of the minutes. Discussion continued. Councilmember Brittingham made a motion to approve all 9 purchase orders and council voted unanimously to approve 5-0.

Mayor Williams announced that he would be attending the first meeting of the Local Management for distribution of local grants on the slot revenues. He then asked for comments from the council. Councilmember Burrell reported that there was furniture placed outside at the Quail Run apartments and asked Mr. Gibbons to speak with the managers regarding disposal due to fears that it may end up back in the ditches. Councilmember Purnell thanked Police Chief Downing for their presence at areas known for speeding. Mayor Williams asked for questions from the public. Mr. Jerome Wharton Jr. came before the council and inquired on the PCA charges on his electric bill. Mayor Williams and Finance Director Lynn Musgrave explained. Mr. Jerome Wharton Sr. came before the council and inquired about several bills and a cut off notice he had received. Mr. Carson asked for Mr. Wharton to come into Town Hall and speak with him and Ms. Musgrave regarding the matter. Mayor Williams asked for questions from the press. There being none, Councilmember Lynch made a motion to adjourn and the meeting ended at 9:05p.m.

Respectfully submitted,


Sharon Timmons
Administrative Assistant

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND A MD. MUNICIPAL CORPORATION, REPEALING CHAPTER 25, TITLED UTILITY COMMISSION, IN ITS ENTIRETY

NOW THEREFORE, BE IT ENACTED BY THE MAYOR AND COUNCIL that Chapter 25, Titled Utility Commission, BE REPEALED IN ITS ENTIRETY AS FOLLOWS:

~~§ 25-1. Establishment, purpose, duties and responsibilities.~~

- ~~A. — The Mayor and Council do hereby establish the Berlin Utility Commission; hereinafter referred to as the "Commission" for the purpose of overseeing and directing the operations of the Berlin electric, water and sewer utilities.~~
- ~~B. — The Commission shall have the authority and the responsibility to exercise the powers granted to the Town under §§ C10-1 and C11-1 of the Berlin Charter subject to the approval of the Mayor and Council. The Commission shall function at all times as a policy-making body for the Town's electric, water and sewer utility system subject to the approval of the Mayor and Council.~~

~~§ 25-2. Number of Utility Commissioners, selection, term.~~

- ~~A. — The Commission shall consist of five voting members and one nonvoting member appointed by the Mayor and Council for terms of three years, except for initial terms of office as provided in Subsection E below. The nonvoting member shall be the Administrative Director for the Town of Berlin.~~
- ~~B. — There shall be no limit as to the number of terms a member may serve.~~
- ~~C. — No fewer than three of the voting members shall be residential class electric, water and sewer customers within the Town of Berlin.~~
- ~~D. — Each member's term shall commence on the first day of January in the year his appointment becomes effective.~~
- ~~E. — Initial appointments shall be made such that no more than three members' terms shall expire in the same year and shall be made as follows: three members shall be appointed for two-year terms, and two members shall be appointed for one-year terms. Upon expiration of these initial terms of office, each member shall be appointed for a three-year term thereafter. The Administrative Director's position shall be permanently appointed to a nonvoting membership on the Commission.~~
- ~~F. — If a vacancy shall occur on the Commission at any time by reason of death, resignation, removal from office or other reason, the vacancy shall be filled by appointment of a qualified person by the Mayor and Council, and such appointment shall be for the remainder of the unexpired term of the vacating Commissioner.~~

~~§ 25-3. Compensation of Commissioners, meetings.~~

- ~~A. — Commission members shall serve without compensation, except that reasonable travel and personal expenses incurred during the conduct of official Commission~~

~~business will be reimbursed upon presentation of an expense voucher and accompanying receipts.~~

- ~~B. The Commission shall meet for the transaction of business once each month during the calendar year and may set more frequent meetings if a majority of the Commission deems it necessary. The Chairman with the concurrence of at least two other Commissioners may cancel a regularly scheduled meeting, provided that no more than three such meetings are canceled in any one calendar year.~~
- ~~C. Any Commissioner absent from more than three meetings in the course of his or her twelve-month term of appointment without having been excused by the Chairman will be dismissed unless otherwise determined by the Mayor and Council in each individual case.~~

~~§ 25-4. Selection of officers, duties.~~

- ~~A. The Commission shall set its own rules of procedure for the conduct of meetings. The Commission shall draft and adopt bylaws to govern its operations subject to the review and approval of the Mayor and Council.~~
- ~~B. The Commission shall elect a Chairperson from among its members (except, however, that the Administrative Director shall not be eligible), whose term as Chair shall be for one year and who may be reelected by the remaining Commissioners without limitation as to the number of terms served.~~

~~§ 25-5. Examination of records, removal of Commissioners, appeal.~~

- ~~A. The Mayor and Council shall, at all times, have the right to examine or to have examined any and all documents or records maintained by the Commission.~~
- ~~B. The Commission shall participate in the Town's annual independent audit under the same terms and circumstances as any other town department by making any and all records available to the Auditor. The Commission shall further have the authority to procure an individual audit of the electric, water and sewer utility's records with the approval of the Mayor and Council.~~
- ~~C. The Mayor and Council shall have the power to remove any member of the Commission by means of formal resolution adopted by affirmative vote of a majority of the Council.~~

~~§ 25-6. (Reserved)~~

~~§ 25-7. Street opening powers.~~

~~The Commission shall have the right to open streets or public ways for the installation, replacement and maintenance of electric, water and sewer utility fixtures, equipment or any system component, subject to all other standards and regulations related to the opening and restoration of public ways that would be applicable to any public utility operating within the Berlin corporate limits. Such standards and regulations include, without limitation, protection and securing of the excavation or opening and restoration of the same to, at minimum, its prior condition.~~

Adopted and effective this _____ day of _____, 2011 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved and effective this _____ day of _____, 2011 by the Mayor of the Town of Berlin.

Wm. Gee Williams, Mayor

ATTEST: Anthony Carson, Town Administrator

TOWN ADMINISTRATOR'S REPORT
3-14-11

Purchase Orders

PO# 201101153 in the amount of \$2,000.00 to Worcester County Department of Tourism for brochure printing and distribution.

PO# 201101268 in the amount of \$1,026.00 to HD Supply Utilities for a reel of aluminum wire for electric department.

PO# 201101320 in the amount of \$1,780.00 to USA Bluebook for interface level analyzers.

PO# 201101327 in the amount of \$13,054.26 for replacement of the oil cooler on #5 EMD engine at the Power Plant.

Updates